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The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

EXAMINER	
JAKOVAC, RYAN J	

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rlynn@mekiplaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/799,863	KALISH, DAN	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-13,16-25,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-13,16-25,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 4-13, 16-25, and 29-30 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant has amended to include the limitation "wherein each title is presented to the user over a webpage having a different URL than the target URL." However, this limitation does not distinguish over the Examiner's previously cited reference, Silva. For example, Silva discloses that a user browses from the main page of a website to a destination page through many intermediate pages (see at least [0027] of Silva). Applicant's limitation directed towards each title being presented to the user over a webpage with a different URL than the target URL does not distinguish over Silva since the main page would comprise a plurality of URLs and when the user navigated via a URL on the main page to an intermediary page, the intermediary page would necessarily have a different URL. Further, even without the disclosure of Silva this limitation does not distinguish over what would be included in the understanding of one of ordinary skill in the art as described above. See MPEP 2141.

3. Applicant has amended to include the limitation "wherein each target URL is a dynamic URL comprising periodically changing code numbers identifiable, in real-time, only by the content server". However, this limitation does not distinguish over the Applicant's Admitted Prior Art (hereinafter AAPA). For Example, AAPA, in paragraph [0006] discloses that "web services today frequently utilize dynamic URL's that are mechanically produced…" and that "The dynamic URL consists of changing code numbers, that only the content provider itself can

identify in real-time."). These limitations fail to prove unobvious over the prior art in view of AAPA and is described in detail in the rejection set forth below.

4. Regarding Applicant's argument that Silva does not disclose "comparing the sequence of user selected hyperlink titles of the short term user surfing course with a plurality of predefined sequences of titles", the Examiner respectfully disagrees. Silva discloses that a plurality web view specifications (which comprise a sequence of titles or hyperlink titles) are compared on a web page presented to the user; that each web view is uniquely identified by URLs; and therefore that each web view is distinct. See Silva [0036]: "After a Web view is specified, it can be saved and uploaded to the Web view server 101. Users may then access Web views via URLs that uniquely identify them and identify the type of devices on which a Web view is to be displayed."

5. The differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 4-13, 16-25, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0054090 to Silva et al (hereinafter Silva) in view of AAPA.

Regarding claims 29-30, Silva teaches a method of identifying a contextual location of a mobile device user, who is using at least one cellular network to visit content accessed by various hyperlinks that are associated with a content server, through at least one proxy server, the contextual location relating to a communication link currently used by the mobile device user, the method being executed by the at least one proxy server, the method comprising:

receiving, from the content server and through the at least one proxy server, user visited content (Silva, [0026], fig. 1.), that includes embedded hyperlinks that are each associated with a corresponding title and a corresponding target uniform resource locator (URL) (Silva, abstract, web view specification is saved at a web view server which includes the navigation steps used to arrive at the web page (i.e. a series of URLs) and extraction expressions containing components of interest (i.e. titles).), wherein each title is presented to the user over a webpage having a different URL than the target URL (Silva, [0027], user browses to desired page.);

parsing the received content, extracting the embedded hyperlinks and their corresponding titles and target URLs, and storing the hyperlinks,

each title being associated with a respective target URL (Silva, abstract, based on the navigation steps and extraction expressions, a web view specification is created. See fig. 2.),

upon receiving a subsequent URL request, extracting a corresponding hyperlink title from a previously stored hyperlink based on the subsequently requested target URL (Silva, abstract, when the web view server receives a subsequent request, the server retrieves the stored

specification, accesses the page indicated, and extracts the relevant components, and return the information to the requesting device. See fig. 2. See [0028-0036]);

creating a short term user surfing course comprising a sequence of hyperlink titles and a corresponding target URLs sequence (Silva, abstract, web view specification and extraction components.); and

identifying the contextual location of the mobile device user within the content server by

(i) comparing the sequence of user selected hyperlink titles of the short term user surfing course with a plurality of predefined sequences of titles (Silva, [0036], "After a Web view is specified, it can be saved and uploaded to the Web view server 101. Users may then access Web views via URLs that uniquely identify them and identify the type of devices on which a Web view is to be displayed. See also the Abstract which discloses that when the web view server receives a subsequent request, the server retrieves the stored specification, accesses the page indicated, and extracts the relevant components, and return the information to the requesting device.") stored in a database (Silva, [0028], the Web views server include a Web view database which stores Web view specifications.), and

(ii) identifying a compatible hyperlinks titles sequence in the database (Silva, fig. 2, stored web views.), wherein each hyperlinks titles sequence is associated with a corresponding contextual location (Silva, fig. 2. The web view comprising corresponds to the user's series of navigational steps (i.e. contextual location). Web view includes the series of navigational steps (i.e. hyperlinks titles sequence). See at least the abstract.),

wherein the contextual location enables the at least one proxy server to provide services, which correspond to the identified contextual location (Silva, abstract, "the web view provides a

shortcut to specific content and services..." The web view corresponds to the user's series of navigational steps (i.e. contextual location).),

wherein the at least one of: the receiving, the parsing, the identifying, and the comparing are performed by at least one computer (Silva, fig. 1.).

Silva does not expressly disclose wherein each target URL is a dynamic URL comprising periodically changing code numbers identifiable, in real-time, only by the content server.

However, AAPA discloses wherein each target URL is a dynamic URL comprising periodically changing code numbers identifiable, in real-time, only by the content server (AAPA, [0006], “web services today frequently utilize dynamic URL's that are mechanically produced. Such automatic URL's frequently provide no hint as to the specific application being used (e.g. http://www.somesite.com/ad6eb37433a9083ac?uid=452372..." "The dynamic URL consists of changing code numbers, that only the content provider itself can identify in real-time.”).

Therefore it would have been obvious to one of ordinary skill in the art to combine wherein each target URL is a dynamic URL comprising periodically changing code numbers identifiable, in real-time, only by the content server as taught by AAPA with the teachings of Silva in order to generate URL addresses for a content provider (AAPA, [0006].).

Regarding claim 4, 16, Silva teaches the method of claim 29, wherein the identification of the location of the user within the content server site is arranged for access control utilities enabling access restriction to specific content according to content location as defined by the hyperlinks title sequence (Silva, the content is restricted to content location as defined in the series of navigational steps the user records. See abstract.).

Regarding claim 5, 17, Silva teaches the method of claim 29, wherein the identification of location of the user within the content server site is arranged for caching utilities enabling to identify cached content according the identified content location (Silva, abstract, the web view specifications are stored and later retrieved (i.e. cached.). See also, [0036], web views are cached in accordance with the links traversed.).

Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly disclose wherein the identification of location within content server site is arranged for billing applications applying billing rules according in accordance with the identified content location, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 7, 19, Silva teaches the method of claim 29, wherein the identification of the location within the content server site is arranged for data retrieval services enabling to identify the content service type and comprising retrieving required data from respective data source according to the identified location within the content server site (Silva, abstract, the web services provided by the web view server are retrieved by the client device.).

Regarding claim 8, 20, Silva teaches the method of claim 29, further comprising processing the content to fit user mobile device specifications wherein the identification of the location within the content server site is arranged for selecting content processing before delivery to the mobile device (Silva, see [0003-0010], [0021-0024], and [0033-0036]. See also, [0039], which discloses gateways which perform protocol conversion to and from HTTP as well as necessary transcoding of content retrieved from the Web view server.).

Regarding claim 9, Silva teaches the method of claim 29. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 10, 22, 23, Silva teaches the method of claim 29, 30, further comprising the step of displaying the sequence of hyperlinks titles to the user for enabling the identification of previously visited content services (Silva, [0028-0036].).

Regarding claim 11, Silva teaches the method of claim 10. Silva does not expressly disclose wherein the service identification is arranged for tracking users' activities for billing purposes, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a

prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 12, 25, Silva teaches t he method of claim 10, 30 wherein the identification of services by the user is arranged for enabling the user to return to the services (Silva, abstract, the user identifies content from websites which he will subsequently access in a web view specification.).

Regarding claim 13, Silva teaches the method of claim 29, wherein the service identification module functionality is implemented at least in part within the user device (Silva, abstract, the components specified by the user are returned to the user device upon subsequent access.).

Regarding claim 21, Silva teaches the system of claim 30. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

Regarding claim 24, Silva teaches the system of claim 30, wherein the service tracking module is arranged for tracking users' activities (Silva, the server stores the users navigation

steps. See abstract.) for billing services. Silva does not expressly disclose tracking data for billing services, however, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

8. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Silva and AAPA in view of US 7,039,037 to Wang et al (hereinafter Wang).

Regarding claim 6, 18, Silva teaches the method of claim 29. Silva does not expressly disclose wherein the identification of location within content server site is arranged for billing applications applying billing rules according in accordance with the identified content location. However, Wang teaches wherein the identification of location within content server site is arranged for billing applications applying billing rules according in accordance with the identified content location. In column 1 lines 62-67 Wang teaches "The use of the above WAP Controller of FIG. 3 to enable new wireless data service parameters to be developed and dynamically implemented (example Roaming support, pre-paid and pay-per-use data services) and the enforcement of traffic behaviors on WAP traffic depending on different service/subscriber profiles." The pay-per-view billing methods are also taught in column 3 lines 59-62 as "can purchase service as they go, on the basis of usage time or number of accesses".

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine Silva's method of location/service identification and Wang's teaching of

pay-per-view services because Wang's teaching employ the use of information about the user in order to bill the user accordingly. It would be obvious to include the more detailed information about the user which is provided in Silva's teaching.

9. Claims 9, 11, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva in view of AAPA further in view of US 2002/0062467 to Hunzinger et al (hereinafter Hunzinger).

Regarding claims 9 and 21, Silva teaches the method of claim 29, 30. Silva does not expressly disclose wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis. However, Hunzinger teaches wherein the identification of the location within the content server site is arranged for sampling the usage of said location and providing usage statistical analysis (Hunzinger [0023], a monitoring system is used to keep track of the statistics of content delivery.)

It would be obvious to at the time of the invention to combine Hunzinger's billing and usage monitoring services with Silva's method of identifying services and locations for WAP users because it is obvious to bill a user according to the services provided.

Regarding claims 11 and 24, Silva teaches the method of claim 10, 30. Silva does not expressly disclose wherein the service identification is arranged for tracking users' activities for billing purposes. However, Hunzinger teaches wherein the service identification is arranged for

tracking users' activities for billing purposes (Hunzinger, paragraph [0011] discloses "a content usage-based billing ". It is clear that the user's activity is being tracked since the usage is being monitored, and that it is being done according to billing purposes.

It would be obvious to at the time of the invention to combine Hunzinger's billing and usage monitoring services with Silva's method of identifying services and locations for WAP users because it is obvious to bill a user according to the services provided.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Jakovac/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445